



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

APR 18 2011

Mr. Peter J. Menzies, Project Manager
Design and Construction Division, Public Buildings Service
New England Region, U.S. General Services Administration
10 Causeway Street, 11th Floor
Boston, Massachusetts 02222

Re: PCB Decontamination and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Margaret Chase Smith Federal Building
Bangor, Maine

Dear Mr. Menzies:

This is in response to the U.S. General Services Administration (GSA) Notification¹ for approval of a proposed plan to address PCB contamination at the Margaret Chase Smith Federal Building located at 202 Harlow Street in Bangor, Maine (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in window caulk and glazing and in the adjacent building substrates (i.e. slate spandrels).

GSA has requested an approval under 40 CFR §§761.61 (a) and (c) that includes the following activities:

- Remove and dispose of PCB caulk with greater than or equal to (\geq) 50 parts per million (ppm) in a TSCA-approved landfill or hazardous waste landfill;
- Remove and dispose of interior window units (frame, glass, and glazing) as a \geq 50 ppm PCB waste in a TSCA-approved or hazardous waste landfill;
- Decontaminate *non-porous surfaces* (i.e., aluminum frames) to less than or equal to (\leq) 10 $\mu\text{g}/100\text{ cm}^2$ and *porous surfaces* (i.e., slate spandrels) to \leq 1 ppm; and,
- Encapsulate the *porous surfaces* if the PCB standard of \leq 1 ppm cannot be met.

¹ The notification was prepared by Hopkins Engineering, Inc and Summit Environmental Consultants, Inc on behalf of the GSA to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and (c). Information was submitted dated January 18, 2011 (PCB Window Caulking Remediation Work Plan); March 14, 2011 (Response to Comments); March 22, 2011 (Email response to question); and April 7, 2011 (e-mail disposal clarification). These submittals shall be referred to as the "Notification".

GSA has determined that caulk which has PCB concentrations at less than ($<$) 50 ppm, meets the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or decontamination of surfaces that are in contact with the $<$ 50 ppm caulk. In order to confirm the PCB concentrations in the caulk around the front and side doors, and the vents, GSA plans to collect two additional samples from each type of caulk. If the samples contain ≥ 50 ppm, GSA will be required to submit a work plan for the removal and disposal of this material and the building substrates that are in contact with the caulk.

With the exception of the proposed verification sampling frequency for *porous* and *non-porous surfaces*, the Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

GSA has proposed a deviation from the verification sampling frequency specified under § 761.61(a)(6). The proposed alternative verification sampling for *porous surfaces* (i.e., slate spandrels) is one sample every 40 linear feet for the first 200 linear feet. If samples consistently meet the PCB cleanup standard, then the sampling frequency would be lowered to one sample every 200 linear feet. For *non-porous surfaces* (i.e., metal frames), the proposed sampling frequency is one sample every 10 linear feet for the first 100 linear feet (10 samples). If samples consistently meet the PCB cleanup standard, then the sampling frequency would be lowered to one sample every 100 linear feet or a minimum of two samples per work area, whichever is the greater. EPA has determined that the sampling plan and alternative verification sampling will be sufficient to confirm that PCB cleanup standards have been met and will not create an unreasonable risk to public health or the environment. EPA may approve the alternative verification sampling under § 761.61(c).

In the event that *porous surfaces* (i.e. slate spandrels) cannot be decontaminated to the PCB cleanup standard of ≤ 1 ppm and encapsulation is implemented, GSA will be required to establish a deed restriction and a long-term monitoring and maintenance implementation plan (MMIP) for the encapsulated surfaces (See Attachment 1, Conditions 15 and 20).

GSA may proceed with its project in accordance with 40 CFR §§ 761.61 (a) and (c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Please be aware that in the event the encapsulation option is implemented for *porous surfaces*, this Approval reserves EPA's rights to require additional cleanup and/or mitigation methods should the encapsulation not be effective in eliminating exposure to PCBs.

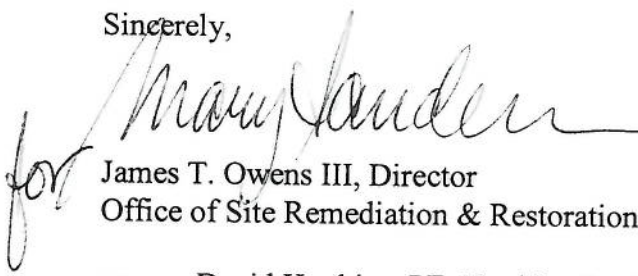
In addition, EPA expects that GSA will keep the building occupants apprised of the cleanup work.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

for
James T. Owens III, Director
Office of Site Remediation & Restoration

cc David Hopkins, PE, Hopkins Engineering, Inc
Ed Vigneault, MEDEP
Scott Leighton, MEDEP, Bangor Office
File

Attachment 1

ATTACHMENT 1: PCB APPROVAL CONDITIONS
MARGARET CHASE SMITH FEDERAL BUILDING (the Site)
202 HARLOW STREET
BANGOR, MAINE

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. U.S. General Services Administration (GSA) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. GSA must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, GSA shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. GSA is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time GSA has or receives information indicating that GSA or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by GSA are authorized to conduct the activities set forth in the Notification. GSA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release GSA from compliance with any applicable requirements of federal, state or local law; or 3) release GSA from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from GSA of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. GSA shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. GSA shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB-contaminated caulk (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.

- b. The decontamination standard for *porous surfaces* (i.e. slate spandrels) shall be less than or equal to (\leq 1 part per million (ppm) PCBs.
 - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (e.g. mg/Kg). Post-abatement confirmatory samples shall be collected in accordance with EPA's draft Standard Operating Procedure For Sampling Concrete in the Field, dated 12/30/97 to a maximum depth of 0.5 inches and at the frequency described in the Notification.
 - ii) For the cleanup/decontamination activities associated with the slate, the minimum confirmatory sampling frequency for decontaminated slate shall be 1 sample per 40 linear feet (LF) for the first 200 LF (5 samples total).
 - (a) If all PCB sampling results from the first 5 locations are \leq 1 ppm, GSA may use the following alternative verification sampling scheme for the remainder of the project. The alternative scheme requires, at a minimum, the collection of at least 1 verification sample per every 200 LF of decontaminated slate.
 - (b) In the event **any** verification sample that is collected using the alternative sampling scheme exceeds the PCB cleanup standard, GSA shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *porous surfaces*. Alternatively, GSA shall continue to use the initial confirmatory sampling frequency for the remainder of this project.
 - iii) In the event that *porous surfaces* (i.e. slate) cannot be decontaminated to the standard of \leq 1 ppm, the encapsulation alternative, as described in the Notification shall be implemented. If this alternative is implemented, GSA will be required to establish a long-term monitoring and maintenance implementation plan (MMIP) and a deed restriction for the encapsulated area (Conditions 15 and 20, respectively).
- c. The decontamination standard for *non-porous surfaces* (i.e. window frames) shall be \leq 10 $\mu\text{g}/100\text{ cm}^2$ PCBs.
 - i) For the cleanup/decontamination activities associated with the windows, the minimum confirmatory sampling frequency for decontaminated metal frames shall be 1 sample per 10 linear feet (LF) for the first 100 LF (10 samples total).

- ii) If all PCB sampling results from the first 10 locations meet the $\leq 10 \mu\text{g}/100 \text{ cm}^2$ standard, GSA may use the following alternative verification sampling scheme for the remainder of the project. The alternative scheme requires, at a minimum, the collection of at least 1 verification sample per every 100 LF of decontaminated metal frames or a minimum two samples per work area (whichever is greater).
 - iii) In the event **any** verification sample that is collected using the alternative sampling scheme exceeds the PCB cleanup standard, GSA shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining metal surfaces. Alternatively, GSA shall continue to use the initial confirmatory sampling frequency for the remainder of this project.
 - iv) For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, GSA may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761.
- d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

15. In the event that the slate cannot be decontaminated to ≤ 1 ppm PCBs and the encapsulation option must be used, within 30 days of using this option, GSA shall submit for EPA's review and approval, a detailed MMIP for the encapsulated surfaces. GSA shall incorporate any changes to the MMIP required by EPA.
- a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including other on-site workers and other interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - d. GSA shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
 - f. A copy of the MMIP shall be attached to the deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

16. GSA shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by GSA to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

19. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

DEED RESTRICTION AND USE CONDITIONS

20. In the event that the slate cannot be decontaminated to ≤ 1 ppm and the encapsulation option must be used, within sixty (60) days of completing the activities described in the Notification and authorized in the Approval, GSA shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site, which may be addressed in the monitoring and maintenance implementation plan (MMIP, see Condition 15). Within seven (7) days of receipt of EPA's approval of the draft deed restriction, GSA shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.
21. GSA shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than thirty (30) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that GSA sells leases or transfers any portion of the Site, GSA shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner through the issuance of a new approval. The procedures for the issuance of a new approval ("re-issued approval") are as follows:
- a. The new owner(s), lessee or transfer entity must request, in writing, that the EPA issue a new approval to the new owner(s), lessee or transfer entity which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities;
 - b. The EPA reviews the request, and determines whether to issue a new approval; and,
 - c. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the re-issued approval. The re-issued approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transfer entity of its acceptance of, and intention to comply with, the terms and conditions of the re-issued approval within thirty (30) days of the date of the re-issued approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on GSA.

22. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the re-issued approval if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The new owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
23. In any sale, lease or transfer of the Site, GSA shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval for maintenance and monitoring of the barriers, except as provided above.

RECORDKEEPING AND REPORTING CONDITIONS

24. GSA shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by GSA in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
25. GSA shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
26. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
27. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1